

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

LUCAS SCHMIDT,

Plaintiff,

8:23CV39

vs.

BLUE VALLEY COMMUNITY ACTION,

Defendant.

ORDER

Plaintiff submitted his response to Defendant's Motion to Dismiss to the Court, along with a form subpoena requesting that "Blue Valley Community Action/or Roxanne Hammond/or Shari Weber" produce his personnel files and records. The Clerk of Court shall file the form subpoena Plaintiff sent to the Court in this case. However, to date, the parties have not conferred as required by Fed. R. Civ. P. 26(f) and a Rule 26(6) report has not been filed. Pursuant to Fed. R. Civ. P. 26(d)(1), except in limited circumstances not applicable here, a party may not seek discovery from any source before conferring as required by Rule 26(f). Further, a progression order has not been issued in this case and a motion to dismiss is pending. Therefore, the requested subpoena will not be issued.

IT IS SO ORDERED.

Dated this 5th day of December, 2023.

BY THE COURT:

s/ Susan M. Bazis
United States Magistrate Judge